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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT LOCAL AUTHORITIES LAWS (AMENDMENT) BILL, 2023.

#### GUJARAT BILL NO. 23 OF 2023.

#### A BILL

*further to amend the Gujarat Provincial Municipal Corporations Act, 1949,  
the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.*

It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2023.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and  
commencement.**

Amendment of section 5 of Bom. LIX of 1949.	<p><b>2.</b> In the Gujarat Provincial Municipal Corporations Act, 1949, in section 5, in sub-section (6), -</p> <p>(i) for the words “One –tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;</p> <p>(ii) the following proviso shall be added, namely:-</p> <p>“Provided that the reservation available to the persons belonging to the Backward Classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats.”.</p>	Bom. LIX of 1949.
Amendment of section 6 of Guj. 34 of 1964.	<p><b>3.</b> In the Gujarat Municipalities Act, 1963, in section 6, in sub-section (3), in clause (c), -</p> <p>(i) for the words “One –tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;</p> <p>(ii) the following provisos shall be added, namely:-</p> <p>“Provided that the reservation available to the persons belonging to the Backward Classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:</p> <p>Provided however that one-tenth of the total number of seats shall be reserved for the persons belonging to the Backward Classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of clause (a) above.”.</p>	Guj. 34 of 1964.
Amendment of section 9 of Guj. 18 of 1993.	<p><b>4.</b> In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 9, in sub-section (5), in clause (a), in sub-clause (ii), -</p> <p>(i) for the words “one tenth of the total number of seats”, the words “twenty-seven per cent. of the total number of seats” shall be substituted;</p> <p>(ii) the following provisos shall be added, namely:-</p> <p>“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:</p> <p>Provided however that one tenth of the total number of seats shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of sub-clause (i) above.”.</p>	Guj. 18 of 1993.
Amendment of section 10 of Guj. 18 of 1993.	<p><b>5.</b> In the Panchayats Act, in section 10, in sub-section (5), in clause (a), in sub-clause (ii), -</p> <p>(i) for the words “One tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;</p> <p>(ii) the following provisos shall be added, namely:-</p> <p>“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:</p> <p>Provided however that one tenth of the total number of seats shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and</p>	

Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of sub-clause (i) above.”.

6. In the Panchayats Act, in section 11, in sub-section (5), in clause (a), in sub-clause (ii), - **Amendment of section 11 of Guj. 18 of 1993.**
  - (i) for the words “One tenth of the total number of seats”, the words “Twenty-seven per cent. of the total number of seats” shall be substituted;
  - (ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of seats shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of sub-clause (i) above.”.
7. In the Panchayats Act, in section 51, in sub-section (2), in clause (a), - **Amendment of section 51 of Guj. 18 of 1993.**
  - (i) for the words “ten percent of the offices”, the words “twenty-seven per cent. of the offices” shall be substituted;
  - (ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of offices shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of this clause.”.
8. In the Panchayats Act, in section 63, in sub-section (2), in clause (a), - **Amendment of section 63 of Guj. 18 of 1993.**
  - (i) for the words “ten percent of the offices”, the words “twenty-seven per cent. of the offices” shall be substituted;
  - (ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats.”.

Provided however that one tenth of the total number of offices shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of this clause.”.
9. In the Panchayats Act, in section 77, in sub-section (2), in clause (a), - **Amendment of section 77 of Guj. 18 of 1993.**
  - (i) for the words “ten percent of the offices”, the words “twenty-seven per cent. of the offices” shall be substituted;
  - (ii) the following provisos shall be added, namely:-

“Provided that the reservation available to the persons belonging to the socially and educationally backward classes shall be subject to aggregate reservation of fifty per cent. of the total number of seats:

Provided however that one tenth of the total number of offices shall be reserved for the persons belonging to the socially and educationally backward classes, where the population of the persons belonging to the Scheduled Castes and Scheduled Tribes categories exceeds forty per cent. of the total population and the seats for such categories shall be required to be reserved in accordance with the provisions of this clause.”.

#### **STATEMENT OF OBJECTS AND REASONS**

The present Bill seeks to amend certain provisions of the Gujarat Provincial Municipal Corporation Act, 1949, the Gujarat Municipal Corporation Act, 1963 and the Gujarat Panchayat Act, 1993, so as to bring uniformity in respect of certain matters contained in the respective Acts and to facilitate the administration of local bodies.

As Per the direction of the Hon'ble Supreme Court of India in the cases of K. Krishnamurthy (Dr.) and others vs. Union of India and another, reported in (2010) 7 SCC 202; Vikas Kishanrao Gawali vs. State of Maharashtra and others, reported in (2021) 6 SCC 73; Suresh Mahajan vs. State of Madhya Pradesh and another, reported in 2022 SCC Online SC 589 and the decision dated 18th May 2022 in Writ Petition No.278 of 2022 in the case of Suresh Mahajan vs. The State of Madhya Pradesh and anr., the State of Gujarat, by resolution dated 8th July 2022, appointed retired Chief Justice of Orissa High Court, Justice K.S. Jhaveri as Chairman of the "Dedicated Commission for Reservation of Other Backward Classes in Local Bodies of Gujarat." To determine the proportion of Other Backward Classes for rural and urban local bodies and reservation seats for Other Backward Classes have been recommended accordingly by the Dedicated Commission.

In this regard, to further study of the report submitted by the Dedicated Commission, the Cabinet Sub-Committee was constituted by the Social Justice and Empowerment Department. The said committee has submitted its recommendations, and as per the decision taken by the Cabinet regarding the above recommendations, the necessary amendments are to be made in the section 5 of the Gujarat Provincial Municipal Corporations Act, 1949, section 6 of the Gujarat Municipalities Act, 1963 and sections 9, 10, 11, 51, 63 and 77 of the Gujarat Panchayats Act, 1993, to make necessary provisions for seats and posts of other backward classes in local self-government bodies, to envisages making certain quantitative amendments in the relevant Acts.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**RUSHIKESH PATEL,**

#### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative powers in the following respects:-

**Clause 1.** - Sub-clause (2) of this clause empowers the State Government to appoint by notification in the Official Gazette, the date on which the Act shall come into force.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 11<sup>th</sup> September, 2023.

**RUSHIKESH PATEL.**

By order and in the name of the Governor of Gujarat,

**K. M. LALA,**

Gandhinagar,

Dated the 11<sup>th</sup> September, 2023.

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.  
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